

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1154

T06-0017

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company" or "BNSF"), the Village of Franklin, in Morgan County ("Village"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the West Street highway-rail grade crossing of the Company's track in the Village of Franklin, Morgan County, Illinois, designated as crossing AAR/DOT #078 501X, railroad milepost 22.50-Y; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The Company should install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry.
- (b) The Village should install new pavement markings to both highway approaches to the West Street crossing (Stop bars and "R X R")

DOCKETED

symbols).

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	VILLAGE	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$140,610	(90%) \$126,549 ¹	\$0	(10%) Remainder ²
Re-paint stop bars and highway RXR symbols	No Estimate	\$0	100%	\$0
TOTALS	\$140,610	\$126,549¹	\$ --	\$14,061²

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$126,549; any installation costs above the estimated amount of \$140,610 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

Section 6 The Village is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit D. The Village shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, along with this executed Agreement. The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit C, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, The Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

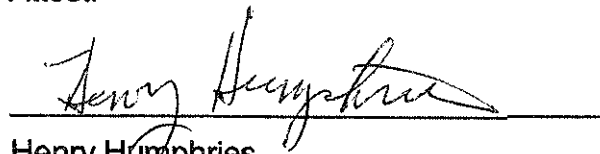
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 7th day of February 2006.



Michael E. Stead
Rail Safety Program Administrator...

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 11 54 concerning improvements at the West Street highway-rail grade crossing of the BNSF Railway Company's track, in the Village of Franklin, Morgan County, Illinois, designated as crossing AAR/DOT #078 501X, railroad milepost 22.50-Y.

Executed by the Illinois Department of Transportation this 21st day of February 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. **1154** concerning improvements at the West Street highway-rail grade crossing of the BNSF Railway Company's track, in the Village of Franklin, Morgan County, Illinois, designated as crossing AAR/DOT #078 501X, railroad milepost 22.50-Y.

Executed by the Village of Franklin this 7th day of March 2006.

VILLAGE OF FRANKLIN

By:

Darryl L. Luth

Village president

RECEIVED

MAR 10 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Vicki Samuel

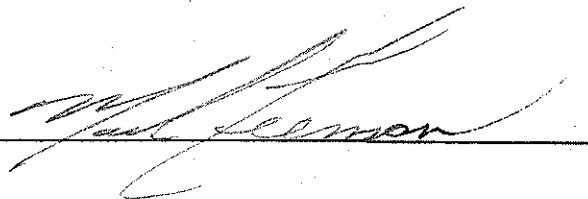
Village clerk

Illinois Commerce Commission Stipulated Agreement No. 1154 concerning improvements at the West Street highway-rail grade crossing of the BNSF Railway Company's track, in the Village of Franklin, Morgan County, Illinois, designated as crossing AAR/DOT #078 501X, railroad milepost 22.50-Y.

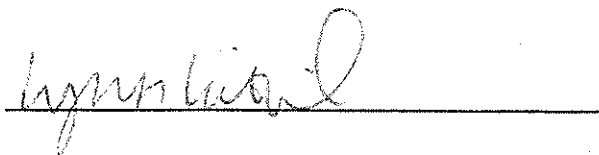
Executed by the BNSF Railway Company this 31ST day of MARCH 2006.

BNSF RAILWAY COMPANY::

By:



Attest:



**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	078 501X, 22.50-Y
STREET, CITY, COUNTY	West Street, In Franklin, Morgan County
JURISDICTION (RDWY)	Village
LOCATION	Urban, Commercial/Residential
STREET SURFACE	22' Asphalt, Fair Condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Rubber	54'	Good
	+ timber extensions		

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	N. Railroad [104'] Mill Street [43'] & S. Railroad [112']
TRAFFIC CONTROL	
ADT & SPEED	2,600 Vehicles Per Day @ 30 MPH (Posted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, all possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes – faded.

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	18 Per day @ 49 MPH, Switch Movements yes, Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	AFLS

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	49	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	220	FEET
Along Tracks	297	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,201	FEET "

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	Poss.	If cars parked on siding.	200*	Building
NW	Ok		Ok	
SE	Ok		200*	Building
SW	Ok		Ok	

*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

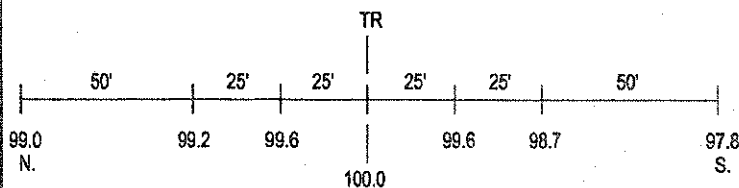
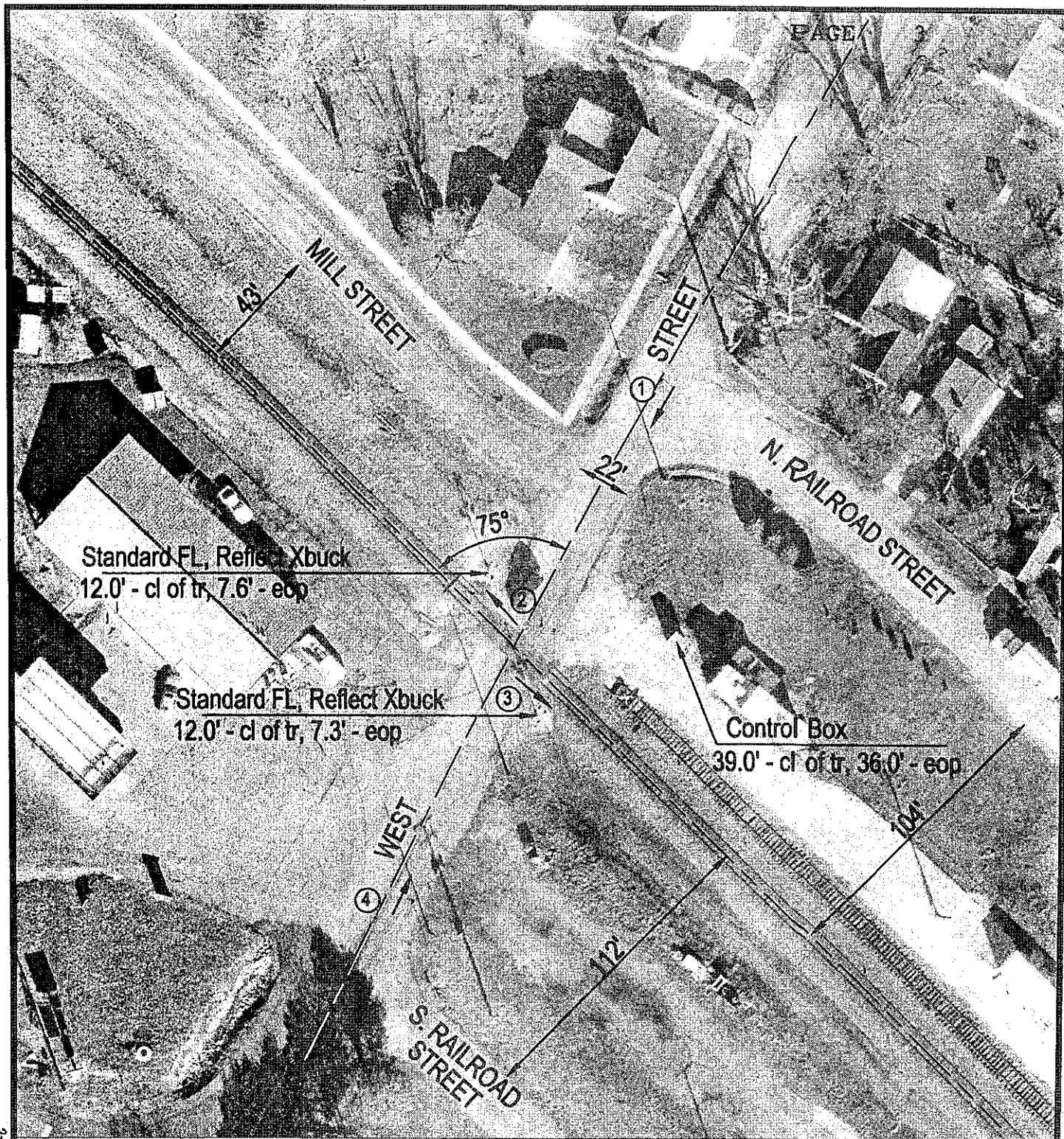
APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
Meets	92	11	Adm	Code	1535
"	"	"	"	"	"

Distance measured from outermost rail.

COMMENTS:

During the field review it was determined by the Village that STOP signs should be installed at the intersections of West Street and Mill Street, West Street and South Railroad Street, and West Street and North Railroad Street. The Village will also reapply pavement markings (STOP bars and R X R symbols) to both highway approaches to the crossing.



ROAD PROFILE

SCALE IN FEET



③ Photo Location

Crossing #: 078501X

Location: Morgan Co., City of Franklin (I)

Lat/Long: 39°37'20" / 90°02'57"

Railroad: BNSF

Street: West Street

Railroad Milepost: 22.50

Crossing Protection: Train Activated Devices

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHEM ESTIMATE FOR
ILLINOIS

LOCATION:- MP 21 TO FRANKLIN DETAILS OF ESTIMATE PLAN ITEM: PSIO78501X VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT WEST STREET IN FRANKLIN IL. SPRINGFIELD
DIV., BEARDSTOWN SUBDIV., L/S 0013, M.P. 22.44, DOT # 078501X
MONTHLY POWER UTILITY COST CENTER : 61697

SIGNAL SHOP IS TO WIRE FOR RTU AND FIELD IS TO TRANSFER INTO NEW BUNGALOW

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 90% WITH BNSF FUNDING APPROXIMATELY 10% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

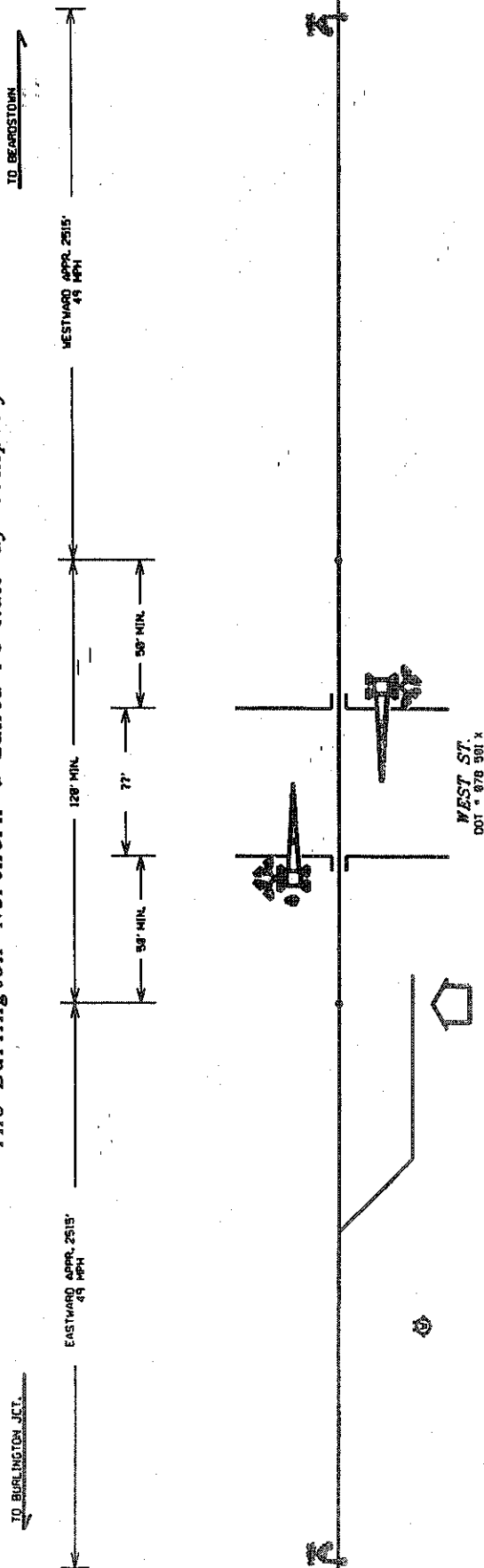
ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,277	
SIGNAL FIELD LABOR - CAP	672.00	MH	14,664	
SIGNAL SHOP LABOR - CAP	64.00	MH	1,447	
PAYROLL ASSOCIATED COSTS			14,026	
EQUIPMENT EXPENSES			4,352	
DA LABOR OVERHEADS			15,654	
INSURANCE EXPENSES			2,741	
TOTAL LABOR COST			54,161	54,161

MATERIAL				

BATTERY	1.00	EA N	4,120	
BUNGALOW 6X6	1.00	EA N	7,612	
BUNGALOW MATERIAL	1.00	LS N	3,399	
CABLE	1.00	EA N	2,070	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	13,015	
FIELD MATERIAL	1.00	LS N	3,073	
FOUNDATION	2.00	EA N	870	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,800	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	16.00	EA N	3,584	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
RECORDER	1.00	EA N	2,220	
SHUNT, NBS	2.00	EA N	1,058	
SIDELIGHTS 2WAY COMPLETE	2.00	EA N	2,390	
MATERIAL HANDLING			75	
USE TAX			4,097	
OFFLINE TRANSPORTATION			778	

*****	TOTAL MATERIAL COST		67,530	67,530
*****	OTHER			
*****	CONTRACT ENGR.	1.00 EA N	5,000	
	FILL DIRT	10.00 CY N	250	
	SURFACE ROCK	10.00 CY N	250	
	TOTAL OTHER ITEMS COST		5,500	5,500
	PROJECT SUBTOTAL			127,191
	CONTINGENCIES			12,719
	BILL PREPARATION FEE			700
	GROSS PROJECT COST			140,610
	LESS COST PAID BY BNSF			14,061
	TOTAL BILLABLE COST			126,549
				=====

The Burlington Northern & Santa Fe Railway Company



INSTALL: GATES & FLASHERS

CONTROL DEVICES: CONSTANT WARNING

SALVAGE: NONE

INSTRUMENT HOUSE

BELL

METER

CROSSING CONTROL CONNECTIONS

BIDIRECTIONAL CROSSING CONTROL

UNIDIRECTIONAL CROSSING CONTROL

COUPLER OR TERMINATION

GUARD RAIL

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'

Edge of Road to C.L. Foundations:

Min. 4'3" with curb,

Min. 8'3" without curb,

Max. 12'

25' Min. to Near Rail

30' Min. to Edge of Road

ALL LIGHTS TO BE LED

House Clearance:

BNSF RAILWAY CO.

FRANKLIN IL.

WEST ST.

LS: 0013

M.P. 22.44

DOT = 078 501 X

DIVISION SPRINGFIELD

SUBDIVISION BEARDSTOWN

KANSAS CITY

NO SCALE

DATE: 01/19/06

FILE: 0013022_44.dgn

DHP/SJS

PAGE 3

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	BNSF
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	
Street, (in/near) City, County:	
Railroad Company:	

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	
Title:	
Representing:	
Street Address:	
City, State, Zip:	
Office Phone:	
Office Fax:	
Cellular Phone:	
E-Mail Address:	

²Project Manager information to be submitted by BNSF Railway Company

DESCRIPTION OF IMPROVEMENTS ORDERED:

Installation of new automatic flashing light signals and gates controlled by constant warning time circuitry.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

If you have questions contact:

Henry Humphries, Railroad Safety Specialist
Phone: 217/785-8423
Email: hhumphri@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
------	--

PROJECT INFORMATION:

Reporting Party:	Village of Franklin
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	
Street, (in/near) City, County:	
Railroad Company:	

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	
Title:	
Representing:	
Street Address:	
City, State, Zip:	
Office Phone:	
Office Fax:	
Cellular Phone:	
E-Mail Address:	

²Project Manager Information to be submitted by the Village of Franklin

DESCRIPTION OF IMPROVEMENTS ORDERED:

Install new Pavement Markings (STOP bars and R X R symbols) to both highway approaches at the West Street crossing.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

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527 East Capitol Avenue
Springfield, IL 62701

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ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 03-07-06

Agreement # 1154

The Franklin Village Board
(Board or Council of Village.)

meeting on 03-07-06, Resolved to authorize

Darryl L. Smith, Village President
(Name, Office) to act as its designated

designated agent in the processing of this Stipulated Agreement and that the
Village of Franklin is financially willing and able to bear the
Village

cost for the proposed improvements as may be assigned to it according to Section
5 of this Agreement.